Constitution and By-laws

of the

Crow Creek Sioux Tribe

CONSTITUTION AND BY LAWS

OF THE

CROW CREEK SIOUX

TRIBE OF FORT THOMPSON

SOUTH DAKOTA

PREAMBLE

We, the Crow Creek Sioux Tribe of the Crow Creek Reservation, grateful to Almighty God for our freedom, in order to secure its blessings, to establish a more perfect tribal organization, to develop better school facilities, to conserve and develop our common resources, to establish a credit system and to promote the welfare of ourselves and our descendants, hereby ordain and establish this Constitution.

ARTICLE I - TERRITORY

The jurisdiction of the Crow Creek Sioux Tribe shall extend to the territory within the original confines of the diminished reservation boundaries, which are described by the Act of March 2, 1889 (25 Stat. L. 888), and including trust allotments without the herein mentioned boundaries and such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II - MEMBERSHIP

SECTION 1. All persons of Indian blood whose names appear on the official roll of the Crow Creek Reservation as of October 3, 1962, and all persons enrolled as members between that date and the effective date of this amendment, shall be members of the tribe, provided, that the tribal council shall have the power to enroll any person who meets the qualifications listed under Section 2. (As per Amendment No. VI, Effective June 23, 1980)

Sec. 2. (a) Any child of one-fourth (1/4) or more Indian blood, born between October 3, 1962, and the effective date of this amendment to any member who resided on the reservation at the time of the child's birth shall be entitled to membership. (As per Amendment No. VI, Effective June 23, 1980)

(b) Any child of one/half (1/2) or more Indian blood born to any member of this Tribe shall be entitled to membership regardless of his parents' residence.

(c) Any child of one-fourth (1/4) or more Sioux Indian blood born to any member of the tribe shall be entitled to membership by a majority vote of the tribal council. (As per Amendment XI, Effective February 4, 1986, changing Amendment VI, effective June 23, 1980).

(d) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on Membership, which shall pass upon them and present them to the Tribal Council for final action.

SECTION 3. Vested property rights shall not be acquired or lost through membership in this organization except as provided herein.

ARTICLE III - THE GOVERNING BODY

SECTION 1. The governing body of the Crow Creek Sioux Tribe shall be the Tribal Council.

SECTION 2. The Tribal Council shall be composed of six (6) Councilmembers elected from the three (3) districts of the Reservation as provided in Section three (3) plus a chairman who shall be elected at large within the boundaries of the Reservation known as the Crow Creek Sioux Indian Reservation. (As per Amendment VII, Effective June 23, 1980)

SECTION 3. The Crow Creek Indian Reservation shall be divided into three districts. The Chairman shall be elected at large by all districts. One councilmember shall be elected from the Big Bend District; one councilmember shall be elected from the Crow Creek District; four councilmembers shall be elected from the Fort Thompson District. The tribal council chairman and all councilmembers shall be members of the Tribe. The three districts of the reservation are designated as follows: (As per Amendment VII, Effective June 23, 1980)

BIG BEND:

This district shall consist of all that part of the reservation lying west of the Hyde-Hughes County line.

FORT THOMPSON:

Starting at the Northwest corner of T. 109 N., R. 73 W., thence south approximately 4 miles to the Missouri River, thence along the east bank of the Missouri River southward to the point where the east bank of the Missouri River intersects the section line common to Sections 15 and 16, T. 106 N., R. 71 W., (which for reference purposes will be called the one quarter corner between Sections 15 and 16, T.

106 N., R. 71 W.), thence due north from said one quarter corner along the section line to State Highway No. 34, which point of intersection would be the N. E. corner of Section 16, T. 107 N., R. 71 W., thence east along Highway No. 34 to the southwest corner of Section 9, T. 107 N., R. 70 W., thence north and west, following the reservation boundary to point of beginning.

CROW CREEK:

This district shall consist of the remainder of the Reservation. (As per Amendment No. VII effective June 23, 1980)

SEC. 4. The Tribal Council shall elect from within its own number a Vice-Chairman, Treasurer, and from within or outside its own number a Secretary and such other officers and committees as may be necessary. (As per Amendment No. VII effective June 23, 1980)

SEC. 5. All councilmembers shall have a voting strength in the Tribal Council which reflects the share of the population he represents according to the most recent official census. (As per Amendment No. VII effective June 23, 1980)

SEC. 6. Where there is more than one council man elected from a district, the vote of each councilman shall be computed as follows: By dividing the number of councilmen into the number of votes which the district is entitled according to Section 7 below. No councilman shall vote absentee or delegate his vote to another proxy. (As per Amendment No. VII effective June 23, 1980)

SEC. 7. The proportionate share of each district shall be determined by dividing the number of tribal members in the district into the total number of tribal members on the reservation according to the latest census. (As per Amendment No. VII effective June 23, 1980)

SEC. 8. The Tribal Council members in office on the effective date of this Amendment shall remain in office and shall be entitled to exercise all powers granted by this Constitution to the Tribal Council until such time as their successors are duly elected and installed pursuant to this Constitution. (As per Amendment No. VII effective June 23, 1980)

SEC. 9. No person shall be a candidate for chairman unless he shall have resided on the reservation for one year immediately preceding the election, and be at least 18 years of age or older. No person shall be eligible for the position of Chairman who has

satisfied the judgment of conviction for a felony in a federal, state or tribal court of competent jurisdiction within two (2) years preceding the date of election. (As per Amendment IX effective June 23, 1980)

ARTICLE IV - NOMINATIONS AND ELECTIONS

SECTION 1. The election of all six Councilmembers and the Chairman shall be held every two years on the third Thursday in April. (As per Amendment No. VII, effective June 23, 1980)

SEC. 2. The term of office for the Chairman and each member of the Tribal Council shall be for two years, or until their successors are duly elected and installed. (As per Amendment No. VII, effective June 23, 1980)

SEC. 3. The qualified voters of Big Bend and Crow Creek districts each shall elect by secret ballet one (1) councilmember to the Tribal Council. If more than two (2) candidates seek the office of councilmember from each district, a primary election shall be held not more than sixty (60) days nor less than twenty (20) days before the general election and the two (2) candidates for each office of councilmember receiving the highest number of votes in the primary election shall be the nominees in the general election. (As per Amendment No. VII, effective June 23, (1980)

SEC. 4. The qualified voters of Fort Thompson district shall elect by secret ballot four (4) councilmembers to the Tribal Council. If more than eight (8) candidates seek the office of councilmembers, a primary election shall be held not more than sixty (60) days nor less than twenty (20) days before the general election and the eight (8) candidates for each office of councilmember receiving the highest number of votes in the primary election shall be the nominees in the general election. (As per Amendment No. VII, effective June 23, 1980)

SEC. 5. The Chairman of the Tribal Council shall be elected by the voters of the Tribe at large. If more than two (2) candidates seek the office of Chairman, a primary election shall be held not more than (60) days nor less than (20) days before the general election and the two (2) candidates for the office of Chairman receiving the highest number of votes in the primary election shall be the nominees in the general election. (As per Amendment No. VII, effective June 23, 1980)

SEC. 6. Resident enrolled members of the Crow Creek Sioux Tribe, eighteen (18) years of age or over who have fulfilled the residency requirement of the election ordinance, shall be eligible to vote in tribal elections. (As per Amendment No. VII, effective June 23, 1980)

SEC. 7. The Tribal Council shall adopt an election ordinance governing elections under this Constitution. Such ordinance shall include, but not limited to, provisions for timely noticing of primary and general elections, filing of candidates for tribal office, and a procedure for settling election disputes. (As per Amendment No. VII, effective June 23, 1980)

ARTICLE V - VACANCIES, REMOVAL AND RECALL

SECTION 1. If a Councilmember shall die, resign, permanently leave the reservation, absent himself without just cause from at least three consecutive regular or special meetings, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term. The vacancy may be filled at any regular meeting of the Tribal Council, provided the person appointed shall be a resident of the district in which the vacancy exists and meets all the requirements for a councilmember. If a councilmember moves out of the district he represents, he shall automatically forfeit his office. (As per Amendment No. VIII, effective June 23, 1980)

SEC. 2. If the office of Chairman becomes vacant before the expiration of the term and if less than one (1) year of the term remains, the Vice-Chairman shall fill the unexpired term unless the Tribal Council in its discretion orders a special election, or, if one year or more of the term remains, the Tribal Council shall order a special election to be held within thirty (30) days after the date of the vacancy. (As per Amendment No. VIII, effective June 23,1980)

SEC. 3. Procedures for the recall of a member of the Tribal Council may be initiated by the filing with the Tribal Council of a petition setting forth specific charges as enumerated in Section 5 against the official bearing the signature of no less than 51% of the qualified voters voting in the last general election from the official's district or the reservation at large in the case of the Chairman or Vice-Chairman. Upon receipt of such petition the Tribal Council shall, within five (5) days, notify the official of the charges against him and provide him no less than ten (10) days to respond to such charges in writing. The Tribal Council, no less than five (5) days after receipt of the accused official's reply to the charges, shall conduct a hearing on the recall petition in the official's district or the reservation at large as appropriate. If the charges so warrant, the Tribal Council shall then give notice of election. The election notice shall set forth the charges and the official's reply to them and shall be posted in the Tribal Office and in each district at least thirty (30) days before the election. (As per Amendment No. VIII, June 23, 1980, as changed by Amendment No. X. effective February 4, 1986)

If the official is recalled from office in the election, the vacancy shall be filled under Sections 1 or 2 of this Article. An official shall not be subjected to more than one recall election during each term of office. Any official removed by recall shall not be appointed to tribal office for employment in a supervisory capacity or position of trust for the remainder of the term of office from which he was removed.

For all purposes herein, the Tribal Chairman and Vice-Chairman are considered members of the Tribal Council. (As per Amendment X, effective February 4, 1986, changing Amendment VIII, effective June 23, 1980)

SEC. 4. If the Chairman or a Councilmember is convicted of a felony during his term of office, he shall automatically forfeit his office. (As per Amendment No. VIII, effective June 23, 1980)

SEC. 5. Code of Ethics for all elected or selected officials of the Crow Creek Sioux Tribe. Gross neglect and improper conduct of Article V - Vacancies, Removal and Recall from office shall be interpreted by the Tribal Council in accordance with these definitions.

A. GROSS NEGLECT - As evidence through any or all of the following:

1. Gross incompetency: Unable or unwilling to perform the duties of the office.

2. Failure to assign through payroll deduction any debt owed to the tribe.

3. Choosing not to act on legitimate business such as petitions on a timely basis by tabling action; in effect the people are put down by such action.

4. Abandonment of Office: Not attending three consecutive regular meetings or moving out of the area of district elected from.

B. IMPROPER CONDUCT - Determined by Tribal Council.

1. Misuse of office: Unauthorized personal use of tribal equipment, manpower or materials.

2. Public conduct so as to question the integrity of the Crow Creek Sioux Tribe. Conduct such as public intoxication as observed by the public; or convictions by legal courts.

3. Converting tribal property or monies without authorization through omission or misrepresentation of facts.

4. Malfeasance of office: Including gross partiality or oppression.

C. IMPROPER CONDUCT - Convictions by Crow Creek Sioux Tribal Court.

1. If the Chairman or a councilmember is convicted of a felony during his term of office, he shall automatically forfeit his office.

2. Three misdemeanor convictions within a twenty-four (24) month period.

3. Crimes in office: Corruption, extortion, fraudulent claims for compensation such as salary, mileage and per diem during an unexcused absence or an unaccountable period of time.

4. Contempt of court.

5. Any misdemeanor, including but not limited to malicious mischief, statutory rape, hit and run, assault, battery or assault and battery.

6. Driving while under the influence of alcohol twice in a twenty-four (24) month period.

ARTICLE VI - POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Council of the Crow Creek reservation shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached bylaws.

(a) To accept in the name of the tribe gratuities and subsidies and to negotiate and receive loans for economic purposes from the United States or other lending agencies for the benefit of the tribe, individual members of the tribe, or associations or groups of members of the tribe.

(b) To offer tribal income and other tribal property as security for loans obtained by the Tribe from the Government or from other lending agencies. (As per Amendment No. V, effective February 25, 1963)

(c) To make loans or grants of money, cattle, or other property to individual members or associations of members of the tribe under regulations and rules approved by it not inconsistent with law or regulations, and agreements under which the funds, cattle, or property are obtained.

(d) To negotiate with Federal, State, and local governments on behalf of the tribe and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Crow Creek Sioux Tribe.

(e) To approve encumbrances on tribal lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other officials or agencies of the Government.

(f) To adopt resolutions and ordinances subject to the approval of the Commissioner of Indian Affairs governing the management of all economic affairs and enterprises of the tribe, including tribal lands, tribal timer, tribal livestock enterprises, tribal community store, or any other tribal activity.

(g) To appropriate any available applicable tribal funds.

(h) To enact resolutions or ordinances not inconsistent with Article II of this constitution governing adoption and abandonment of membership.

(i) To promulgate and enforce ordinances which shall be subject to the approval of the Commissioner of Indian Affairs governing the conduct of members of the Crow Creek Sioux Tribe, and providing for the establishment of a reservation court in defining its duties and powers.

(j) To employ legal counsel for the protection and advancement of the rights of the Crow Creek Tribe and its members, under contract subject to the approval of the Commissioner of Indian Affairs.

(k) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Crow Creek Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(l) To make assignments of reservation land to members of the Crow Creek Sioux Tribe.

(m) To levy taxes upon members of the Crow Creek Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to the approval of the Commissioner of Indian Affairs upon non-members doing business within the Reservation.

(n) To exclude from the restricted lands of the Crow Creek Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to the approval of the Commissioner of Indian Affairs.

(o) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, subject to the approval of the Commissioner of Indian Affairs.

(p) To regulate the inheritance of property, real and personal other than allotted lands, within the territory of the Crow Creek Reservation, subject to the approval of the Commissioner of Indian Affairs.

(q) To regulate the domestic relations of members of the Tribe and to enforce school attendance.

(r) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to the approval of the Commissioner of Indian Affairs.

(s) To delegate to subordinate boards or to cooperative associations which are open to all members of the Tribe any of the foregoing powers reserving the right to review any action taken by virtue of such delegated powers.

(t) To convene general council meetings for the purpose of securing advice on matters of importance affecting the Tribe.

SEC. 2. Future Powers - The Council of the Crow Creek Sioux Tribe may exercise such further powers as may in the future be delegated to the Council by any duly authorized official or agency of government.

SEC. 3. Reserved Powers - Any rights and powers heretofore vested in the Tribe of the Crow Creek Reservation but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Crow Creek Reservation through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII - BILL OF RIGHTS

SECTION 1. Suffrage - All members of the Tribe over the age of eighteen (18) shall have the right to vote in all reservation elections. The residence qualifications established by Article IV, Section 5 of this constitution shall apply to all elections.

SEC. 2. Economic Rights - All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil Liberties - All members of the Tribe may enjoy without hinderance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Rights of Accused - Any member of the Crow Creek Tribe accused of any offense shall have the right to a prompt, open, and public hearing with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty (30) days imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE VIII - REFERENDUM

Upon a petition of at least one-half (1/2) of the eligible resident voters of the Crow Creek Tribe or upon the request of a majority of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to popular referendum and the vote of a majority of the resident qualified voters in such referendum shall be conclusive and binding on the Council.

ARTICLE IX - LAND

SECTION 1. Allotted Lands - Allotted lands, including heirship lands, within the Crow Creek Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of South Dakota or of the Federal Government, or by the Tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Crow Creek Sioux Tribe. Likewise it is recognized that under existing law the Commissioner of Indian Affairs, may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State tax and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Commissioner of Indian Affairs, voluntarily convey his land to the Crow Creek Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land. In selling allotted or heirship land, owners are urged to give preference to buyers in the following order: first, the Tribe; second, a married Indian couple; third, a single Indian; fourth, an Indian married to a non-Indian; fifth, a non-Indian.

SEC. 2. Tribal Lands - The unallotted lands of the Crow Creek Reservation, and all lands which may hereafter be acquired by the Crow Creek Sioux Tribe or by the United States in trust for the Crow Creek Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold except as authorized by law. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Crow Creek Sioux Tribe, or leased, or otherwise used by the Tribe. (As per Amendment No. IV, effective February 25, 1963).

SEC. 3. Leasing of Tribal lands - Tribal lands may be leased by the Tribal Council, with the approval of the Superintendent for such period of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first; to Indian cooperative associations and, secondly, to married Indian couples who are members of the Crow Creek Sioux Tribe; third, to a single Indian of the Tribe; fourth, to an enrolled Indian married to a non-Indian; fifth, to non-Indians. No lease of tribal land to non-members shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council with the approval of the Commissioner of Indian Affairs. In the same manner and upon the same terms as leases.

SEC. 4. Use of Unassigned Tribal Land - Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Council in accordance with Article VI, section (f) for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SEC. 5. Purchase of Land by the Tribe - The Tribal Council shall have the power as authorized by law, subject to approval by the Secretary of the Interior or his authorized representative, to purchase or otherwise acquire lands or interests in lands, within or without the reservation. (As per Amendment No. II, effective June 22, 1961)

ARTICLE X - AMENDMENTS

Amendments to this Constitution and Bylaws may be ratified and approved in the same manner as this Constitution and Bylaws. Whenever the Tribal Council by a vote of two-thirds of its members shall consider an amendment necessary, such amendment shall be sent to the Commissioner of Indian Affairs. It shall then be the duty of the Commissioner of Indian Affairs to call an election. If at such election the amendment is adopted by a majority vote of the adult resident members of the Tribe voting thereon in an election in which at least thirty percent of those

entitled to vote shall vote, such amendment shall be submitted to the Commissioner of Indian Affairs and if approved by him shall thereupon become effective.

BYLAWS

OF THE

CROW CREEK SIOUX TRIBE

SECTION 1. Chairman of the Tribal Council - The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council and the General Council, shall perform all duties of the Chairman, and exercise any authority delegated to him by the Tribal Council. He shall vote only in case of a tie.

Sec. 2. Vice Chairman of the Tribal Council - Vice Chairman of the Tribal Council shall assist the Chairman when called upon to do so, and in the absence of the Chairman, shall preside. When so presiding, he shall have all the rights, privileges, and duties, as well as the responsibilities, of the Chairman.

SEC. 3. Secretary of the Tribal Council - The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at meetings of the Tribal Council and General Council. It shall be his duty to submit promptly to the Superintendent of the Crow Creek Reservation and the Commissioner of Indian Affair copies of all minutes of regular and special meetings of the Tribal Council and the General Council. When elected from without the membership of the Tribal Council, he shall not be entitled to vote.

SEC. 4. Treasurer of the Tribal Council - The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve, and safe-guard all funds in the custody of the Tribal Council, whether same be Tribal Funds or Special Funds, for which the Tribal Council is acting as trustee or custodian. He shall deposit all funds in such bank or elsewhere as directed by the Tribal Council, and shall make and preserve a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Council at the regular meetings and at such other times as requested by the Council.

It is further provided that the Superintendent may act, under proper resolution of the Tribal Council, as agent for the Tribe in collecting funds due to the Tribe. Upon making such collections, the Superintendent should issue a receipt on the regular office receipt form on behalf of the Tribe. Before paying out any money, the Superintendent should have an order for

payment directed to him by the Tribal Treasurer and the Treasurers order shall be supported by a resolution of the Council empowering him to approve bills for payment.

The Treasurer shall not pay out or otherwise disburse any funds in his possession or custody or in possession or custody of the Tribal Council except when authorized to do so by resolution duly passed by the Tribal Council.

When in the opinion of the Tribal Council or the Commissioner of Indian Affairs, there are sufficient funds in the custody of the Tribal Council to warrant it, the Treasurer shall be required to give a bond satisfactory to the Tribal Council and the Commissioner of Indian Affairs.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Council or by a Federal employee approved by the Commissioner of Indian Affairs and at such other times as the Tribal Council or the Commissioner of Indian Affairs shall direct.

All tribal financial records shall be considered public records and shall be open for inspection to any member of the Tribe at any reasonable time.

SEC. 5. Sergeant-at-Arms - There shall be a Sergeant-at-Arms, appointed by the Chairman, whose duty it shall be to maintain order within the Council Chamber and perform such other duties as may be designated by the Tribal Council. He shall serve all summons emanating from the Tribal Council, and shall make proper return on the same.

SEC. 6. Appointive Officers - The duties of all appointive boards or officers of the community shall be clearly defined by resolutions of the Tribal Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Tribal Council and their activities and decisions shall be subject to review by the respective Council upon the petition of any person aggrieved.

ARTICLE II - DUTIES OF MEMBERS

It shall be the duty of each member of the Tribal Council to make reports to the districts from which he was elected, concerning the proceedings of the Tribal Council.

ARTICLE III - QUALIFICATIONS OF COUNCILMEN

No person shall be eligible for membership on the Tribal Council who has satisfied the judgment of conviction for a felony in any federal, state or tribal court of competent jurisdiction

within two (2) years preceding the date of election. (As per Amendment No. III, effective June 22, 1961)

No person shall be a candidate who is a regular Civil Service employee of the Federal Government.

ARTICLE IV - CERTIFICATION OF ELECTION

It shall be the duty of the members of the Tribal Council or board appointed by them to certify to the election for the duly elected Tribal Council members. This certification shall take place at the time of the election.

ARTICLE V - INSTALLATION OF COUNCILMEN

Newly elected members who have been duly certified shall be installed at the first regular meeting of the Council following the election, upon subscribing to the following oath:

"I,_____ do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States and the Constitution and Bylaws of the Crow Creek Sioux Tribe, and execute my duties as councilman to the best of my ability, so help me God."

ARTICLE VI - SALARIES

The Tribal Council may prescribe such salaries of officers, boards or members of the Tribal Council as it deems advisable, from such funds as may be available and applicable.

ARTICLE VII - TIME AND PLACE OF MEETINGS

SECTION 1. The regular meetings of the Tribal Council of six members shall be held once each month at Fort Thompson. The day of the month and the opening hour of the meeting shall be left to the discretion of the Tribal Council. A quorum of the Tribal Council shall consist of four members.

SEC. 2. Meetings of the General Council shall be called by the Chairman of the Tribal Council or upon written request of five members of the Tribal Council or upon a petition signed at least ten percent of the eligible resident voters of the Tribe. Notice of such meeting shall be posted in at least six places at least ten (10) days before such meeting is to take place. The Chairman of the Tribal Council shall cause such notices to be posted. Twenty percent of the eligible voters of the Tribe shall constitute a quorum.

SEC. 3. Order of Business - The following order of business is established for all meetings and should be followed as far as practicable.

(1) Call to order by the Chairman
(2) Invocation by Chaplain or whoever may be designated by the Chairman
(3) Roll Call
(4) Ascertainment of quorum
(5) Reading of minutes by vote or common consent
(6) Adoption of the minutes by vote or common consent
(7) Report of committees
(8) Unfinished business
(9) New business
(10) Adjournment

SEC. 4. Ordinances and Resolutions - All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council on matters of temporary interest (such as, action of the reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council, shall be embodied in resolutions. Such resolutions shall be recorded and filed in such a manner that will facilitate their use for public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsider to speak) shall be decided by motion duly passed or by the ruling of the Chairman, if no objection is heard.

In all ordinance, resolutions, or motions the duly elected councilmen may enact by a majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 5. Legislative Forms - Every ordinance shall begin with the words: "Be it enacted by the Tribal Council of the Crow Creek Sioux Tribe _____"

Every ordinance or resolution shall contain a recital of the laws of the UNITED STATES and the provisions of the Crow Creek Sioux Tribal Constitution under which authority for the said ordinance or resolution is found.

ARTICLE IX - ADOPTION

This Constitution and Bylaws attached hereto shall be in full force and effect whenever a majority of the eligible resident voters of the Crow Creek Sioux Tribe, voting at an election, called by the Commissioner of Indian Affairs, in which at least thirty percent (30%) of the eligible resident voters shall vote, by secret ballot at the designated precincts, shall have ratified this Constitution and By-laws, and shall be submitted to the Commissioner of Indian Affairs for his approval, and shall be effective from the date of such approval.

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Tribal Operation
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582-63

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

WASHINGTON 25, D. C.

FEBRUARY 25, 1963

Through: Area Director, Aberdeen

Mr. Edward Edzards

Superintendent, Pierre Agency

Dear Mr. Edzards:

In an order issued on November 26, 1962, you were authorized to permit the qualified voters of the Crow Creek Sioux Tribe, South Dakota, to express themselves on the adoption or rejection of two amendments to the tribe's Constitution and Bylaws These amendments were presented to the tribal voters in an election held on January 7, 1963.

The Aberdeen Area Director, in his letter of February 5, advised that over thirty (30) percent of the eligible voters participated in the election, and that the amendments were adopted as follows:

Amendment No. IV	117 for	29 against
Amendment No. V	104 for	42 against

Since the Crow Creek tribal members have complied with Article X of the tribe's Constitution, the amendments to the tribe's Constitution and Bylaws are approved as of this date. The original and three copies of Amendments 1 and 2, bearing our approval, are returned.

Sincerely yours,

(SGD) JAMES E. OFFICER
Associate Commissioner

Enclosures

Noted and Transmitted: March 1, 1963

(Signed) Martin N.B. Holm
Area Director

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
OF THE
CROW CREEK RESERVATION, SOUTH DAKOTA

AMENDMENT I

Amend Article II, Section 2(c) of the Constitution by repealing it.

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
OF THE
CROW CREEK RESERVATION, SOUTH DAKOTA

AMENDMENT II

Amend Article IX, Section 5 of the Constitution entitled, "Purchase of Land by the Tribe" by repealing it, and substituting a new section 5 reading as follows:

> Sec. 5. Purchase of Land by the Tribe. The Tribal Council shall have the power as authorized by law, subject to approval by the Secretary of the Interior or his authorized representative, to purchase or otherwise acquire lands or interests in lands, within or without the reservation.

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
OF THE
CROW CREEK RESERVATION, SOUTH DAKOTA

AMENDMENT III

Amend the second full paragraph of Article III of the Bylaws by repealing it and substitute the following:

> No person shall be eligible for membership on the Tribal Council who has satisfied the judgment of conviction for a felony in any federal, state or tribal court of competent jurisdiction within two (2) years proceding the date of the election.

CERTIFICATION OF ADOPTION

Pursuant to an election held on April 20, 1961 by the Crow Creek Sioux Tribe, amendments to the Constitution and By-laws as shown below were submitted for ratification to the Indians of the Crow Creek Reservation and was on April 20, 1961 duly passed as is tabulated below in an election in which over thirty per cent (30%) of those entitled to vote cast their ballots:

AMENDMENT NO. I - Repeal Article II, Section 2(c) as follows:

> (c) Any person of Indian blood who is a descendent of any member may be admitted by a majority vote of the Tribal Council.

	Yes	No
Crow Creek District	40	18
Fort Thompson District	84	45
Big Bend District	10	9
PASSED.....	134	72

AMENDMENT NO. II - Amend Article IX, Section 5 of the Constitution Entitled "Purchase of Land by the Tribe" by Repealing it, and substituting a new section reading as follows:

> Section 5. Purchase of Land by the Tribe. The Tribal Council shall have the power as authorized by law, subject to approval by the Secretary of the Interior or his authorized representative, to purchase or otherwise acquire lands or interests in lands, within or without the reservation.

	Yes	No
Crow Creek District	47	9
Fort Thompson District	101	28
Big Bend District	13	5
PASSED.....	161	42

AMENDMENT NO. III - Amend the second full paragraph of Article III of the By-laws by repealing it and substitute the following:

> "No person shall be eligible for membership on the Tribal Council who has satisfied the judgment of conviction for a felony in any federal, state or tribal court of competent jurisdiction within two (2) years proceding the date of election."

	Yes	No
Crow Creek District	34	24
Fort Thompson District	92	36
Big Bend District	13	3
PASSED.....	139	63

Total eligible voters: 367

Robert Philbrick
Robert Philbrick, Chairman
Crow Creek Sioux Tribal Council

Abel Bad Moccasin
Abel Bad Moccasin, Secretary
Crow Creek Sioux Tribal Council

Owel D. Morken
Owen D. Morken, Superintendent
Pierre Agency, Pierre, South Dakota

IN REPLY REFER T

Tribal Programs
5325-61

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

WASHINGTON 25, D. C.

JUNE 22, 1961

Through: Area Director, Aberdeen

Mr. Owen D. Morken

Superintendent, Pierre Agency

Dear Mr. Morken:

In an order issued by the Acting Commissioner of Indian Affai on March 22, 1961, you were authorized to permit the qualifie voters of the Crow Creek Sioux Reservation in South Dakota to express themselves on the adoption or rejection of certain amendments to the tribal constitution and bylaws. These amen ments were presented to the tribal voters in an election held on April 20, 1961.

The Aberdeen Area Director, in his letter dated April 28, advised that over 30% of the eligible voters participated in the election, and that the amendments were adopted as follows

Amendment No. I	134 for	74 against
Amendment No. II	161 "	42 "
Amendment No. III	139 "	63 "

Since the Crow Creek tribal members have complied with Article X of the tribe's constitution, the amendments to the tribal constitution and bylaws are approved as of this date.

Sincerely yours,

(Sgd) John O. Crow

Acting Commissioner

Enclosure

Transmitted JUNE 26, 1961
Assistant (Sgd) Robert L. Bennett
Area Director

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
OF THE
CROW CREEK RESERVATION, SOUTH DAKOTA

AMENDMENT NO. IV*

Article IX, Section 2 of the constitution of the Crow Creek Sioux Tribe is amended to read:

> Sec. 2. The unallotted lands of the Crow Creek Reservation, and all lands which may hereafter be acquired by the Crow Creek Sioux Tribe or by the United States in trust for the Crow Creek Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold except as authorized by law. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Crow Creek Sioux Tribe, or leased, or otherwise used by the Tribe.

(sgd) James E. Officer
Associate Commissioner of Indian Affairs

February 25, 1963

*This should actually be Amendment IV as tribe had three previous amendments.

This amendment was adopted by the tribal members at an election held January 7, 1963, by a vote of 117 for and 29 against. Election results were certified by Robert Philbrick, Chairman, Crow Creek Sioux Tribal Council and Wendell Isburg, Secretary.

Associate Commissioner approved by letter dated February 25, 1963.

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
OF THE
CROW CREEK RESERVATION, SOUTH DAKOTA

AMENDMENT V*

Article VI, Section 1(b) of the constitution of the Crow Creek Sioux Tribe is amended to read:

Section 1(b). To offer tribal income and other tribal property as security for loans obtained by the Tribe from the Government or from other lending agencies.

(sgd) James E. Officer
Associate Commissioner of Indian Affairs

February 25, 1963

*This should actually be Amendment V as tribe had four previous amendments.

This amendment was adopted by the tribal members at an election held January 7, 1963 by a vote of 104 for, and 42 against. Election results were certified by Robert Philbrick, Chairman, Crow Creek Sioux Tribal Council, and Wendell Isburg, Secretary.

Associate Commissioner approved by letter dated February 25, 1963.

CERTIFICATION OF ADOPTION

Pursuant to an election held on January 7, 1963 by the Crow Creek Sioux Tribe, amendments to the Constitution and Bylaws as shown below were submitted for ratification to the Indians of the Crow Creek Reservation and was on January 7, 1963 duly passed as is tabulated below in an election in which over thirty per cent (30%) of those entitled to vote cast their ballots:

AMENDMENT NO. IV - Amending Article IX, Section 2 of the Constitution to read as follows:

> Section 2 - The unallotted lands of the Crow Creek Reservation, and all lands which may hereafter be acquired by the Crow Creek Sioux Tribe or by the United States in trust for the Crow Creek Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold except as authorized by law. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Crow Creek Sioux Tribe, or leased, or otherwise used by the Tribe.

	Yes	No
Crow Creek District	43	13
Fort Thompson District	59	16
Big Bend District	15	0
PASSED.....	117	29

AMENDMENT NO. V - Amending Article VI, Section 1(b) of the Constitution to read as follows:

> Section 1(b) - To offer tribal income and other tribal property as security for loans obtained by the Tribe from the Government or from other lending agencies.

	Yes	No
Crow Creek District	36	20
Fort Thompson District	54	21
Big Bend District	14	1
PASSED.....	104	42

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT VI

Article II - MEMBERSHIP, of the Constitution is amended to read as follows:

SECTION 1. All persons of Indian blood whose names appear on the official roll of the Crow Creek Reservation as of October 3, 1962, and all persons enrolled as members between that date and the effective date of this amendment shall be members of the tribe, provided, that the tribal council shall have the power to enroll any person who meets the qualification listed under Section 2.

SECTION 2. (a) Any child of one-fourth (1/4) or more Indian blood, born between October 3, 1962, and the effective date of this amendment to any member who resided on the reservation at the time of the child's birth shall be entitled to membership.

(b) Any child of one-half (1/2) or more Indian blood born to any member between October 3, 1962, and the effective date of this amendment shall be entitled to membership regardless of his parents' residence.

(c) Any child of one-fourth (1/4) or more Crow Creek Sioux Indian blood born to any member of the tribe after the effective date of this amendment shall be entitled to membership by a majority vote of the tribal council.

(d) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on Membership, which shall pass upon them and present them to the Tribal Council for final action.

SECTION 3. Vested property rights shall not be acquired or lost through membership in this organization except as provided herein.

REFERENDUM NO. 1 - Whether or not an ordinance should be adopted to authorize the introduction, possession, transportation and sale of liquor on the Crow Creek Sioux Indian Reservation subject to tribal control.

	Yes	No
Crow Creek District	34	22
Fort Thompson District	37	39
Big Bend District	9	6
PASSED.....	80	67

Total eligible voters: 372 (Three Hundred Seventy-two)

Robert Philbrick
Robert Philbrick, Chairman
Crow Creek Sioux Tribal Council

Wendell Isburg
Wendell Isburg, Secretary
Crow Creek Sioux Tribal Council

Edward Edzards
Superintendent Edward Edzards
Pierre Agency, Pierre, South Dakota

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, Aberdeen, South Dakota, on March 6, 1980, the attached Amendment A to be renumbered Amendment VI, to the Constitution and Bylaws of the Crow Creek Sioux Tribe of South Dakota was submitted to the qualified voters of the Tribe and was on March 27, 1980, duly adopted by a vote of 345 for, and 107 against, in an election in which at least thirty (30) percent of the 628 members entitled to vote cast their ballot in accordance with Article X of the Tribe's Constitution and Bylaws.

Vera Hall
Chairman, Election Board

Velma Collins
Election Board Member

Margaret Loudner
Election Board Member

APPROVAL

I, Dennis L. Petersen, Acting Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Commissioner of Indian Affairs by Article X of the constitution and Bylaws of the Crow Creek Sioux Tribe, South Dakota, and redelegated to me by 10 BIAM 3.1, hereby approve the attached Amendment No. VI which amends Article II of the Constitution and Bylaws of the Crow Creek Sioux Tribe to be effective on the date of this approval.

Dennis L. Petersen
Acting Area Director

Date: June 23, 1980

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT VII

Article III - THE GOVERNING BODY, of the Constitution is amended to read as follows:

SECTION 1. The governing body of the Crow Creek Sioux Tribe shall be the Tribal Council.

SECTION 2. The Tribal Council shall be composed of six (6) councilmembers elected from the three (3) districts of the Reservation as provided in Section Three (3) plus a chairman who shall be elected at large within the boundaries of the Reservation known as the Crow Creek Sioux Indian Reservation.

SECTION 3. The Crow Creek Indian Reservation shall be divided into three districts. The Chairman shall be elected at large by all districts. One councilmember shall be elected from the Big Bend District; one councilmember shall be elected from the Crow Creek District; four councilmembers shall be elected from the Fort Thompson District. The tribal council chairman and all councilmembers shall be members of the Tribe. The three districts of the reservation are designated as follows:

BIG BEND: This district shall consist of all that part of the reservation lying west of the Hyde-Hughes County line.

FORT THOMPSON: Starting at the Northwest corner of T. 109N., R 73W., thence south approximately 4 miles to the Missouri River, thence along the east bank of the Missouri River southward to the point where the east bank of the Missouri River intersects the section line common to Sections 15 and 16T. 106N., R.71W., (which for reference purposes will be called

the one quarter corner between Sections 15 and 16, T. 106N., R. 71W.), thence due north from said one quarter corner along the section line to State Highway No. 34, which point of intersection would be the N.E. corner of Section 16, T. 107N., R.71W., thence east along Highway No. 34, to the southwest corner of Section 9, T. 107N., R. 70W., thence north and west, following the reservation boundary to point of beginning.

CROW CREEK: This district shall consist of the remainder of the reservation.

SECTION 4. The Tribal Council shall elect from within its own number a Vice-Chairman, Treasurer, and from within or outside its own number a Secretary and such other officers and committees as may be necessary.

SECTION 5. All councilmembers shall have a voting strength in the Tribal Council which reflects the share of the population he represents according to the most recent official census.

SECTION 6. Where there is more than one councilman elected from a district, the vote of each councilman shall be computed as follows: By dividing the number of councilmen into the number of votes which the district is entitled according to Section 7 below. No councilman shall vote absentee or delegate his vote to another proxy.

SECTION 7. The proportionate share of each district shall be determined by dividing the number of tribal members in the district into the total number of tribal members on the reservation according to the latest census.

SECTION 8. The Tribal Council members in office on the effective date of this Amendment shall remain in office and shall be entitled to exercise all powers granted by this Constitution to the Tribal Council until such time as their successors are duly elected and installed pursuant to this Constitution.

Article IV - NOMINATIONS AND ELECTIONS, of the Constitution is amended to read as follows:

SECTION 1. The election of all six Councilmembers and the Chairman shall be held every two years on the third Thursday in April.

SECTION 2. The term of office for the Chairman and each member of the Tribal Council shall be for two years, or until their successors are duly elected and installed.

SECTION 3. The qualified voters of Big Bend and Crow Creek districts each shall elect by secret ballot one (1) councilmember to the Tribal Council. If more than two (2) candidates seek the office of councilmember from each district, a primary election shall be held not more than sixty (60) days nor less than twenty (20) days before the general election and the two (2) candidates for each office of councilmember receiving the highest number of votes in the primary election shall be the nominees in the general election.

SECTION 4. The qualified voters of Fort Thompson district shall elect by secret ballot four (4) councilmembers to the Tribal Council. If more than eight (8) candidates seek the office of councilmembers, a primary election shall be held not more than sixty (60) days nor less than twenty (20) days before the general election and the eight (8) candidates for each office of councilmember receiving the highest number of votes in the primary election shall be the nominees in the general election.

SECTION 5. The Chairman of the Tribal Council shall be elected by the voters of the Tribe at large. If more than two (2) candidates seek the office of Chairman, a primary election shall be held not more than (60) days nor less than twenty (20) days before the general election and the two (2) candidates for the office of Chairman receiving the highest number of votes in the primary election shall be the nominees in the general election.

SECTION 6. Resident enrolled members of the Crow Creek Sioux Tribe, eighteen (18) years of age or over who have fulfilled the residency requirement of the election ordinance, shall be eligible to vote in tribal elections.

SECTION 7. The Tribal Council shall adopt an election ordinance governing elections under this Constitution. Such ordinance shall include, but not be limited to, provisions for timely noticing of primary and general elections, filing of candidates for tribal office, and a procedure for settling election disputes.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, Aberdeen, South Dakota, on March 6, 1980, the attached Amendment B to be renumbered Amendment VII, to the Constitution and Bylaws of the Crow Creek Sioux Tribe of South Dakota was submitted to the qualified voters of the Tribe and was on March 27, 1980, duly adopted by a vote of 360 for, and 81 against, in an election in which at least thirty (30) percent of the 628 members entitled to vote cast their ballot in accordance with Article X of the Tribe's Constitution and Bylaws.

Verna Hall
Chairman, Election Board

Velma Collins
Election Board Member

Margaret Loudner
Election Board Member

APPROVAL

I, Dennis L. Petersen, Acting Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Commissioner of Indian Affairs by Article X of the constitution and Bylaws of the Crow Creek Sioux Tribe, South Dakota, and redelegated to me by 10 BIAM 3.1, hereby approve the attached Amendment No. VII which amends Articles III and IV of the Constitution and Bylaws of the Crow Creek Sioux Tribe to be effective on the date of this approval.

Dennis L. Petersen
Acting Area Director

Date: Jan 23, 1980

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT VIII

Article V - VACANCIES, REMOVAL AND RECALL, of the Constitution is amended as follows:

SECTION 1. If a councilmember shall die, resign, permanently leave the reservation, absent himself without just cause from at least three consecutive regular or special meetings, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term. The vacancy may be filled at any regular meeting of the Tribal Council, provided the person appointed shall be a resident of the district in which the vacancy exists and meets all the requirements for a councilmember. If a councilmember moves out of the district he represents, he shall automatically forfeit his office.

SECTION 2. If the office of Chairman becomes vacant before the expiration of the term and if less than one (1) year of the term remains, the Vice-Chairman shall fill the unexpired term unless the Tribal Council in its discretion orders a special election, or, if one year or more of the term remains, the Tribal Council shall order a special election to be held within thirty (30) days after the date of the vacancy.

SECTION 3. Procedures for the recall of a member of the Tribal Council may be initiated by the filing with the Tribal Council of a petition setting forth specific charges against the official bearing the signatures of no less than 30% of the qualified voters voting in the last general election from the official's district or the reservation at large in the case of the Chairman. Upon receipt of such petition the Tribal Council shall, within five (5) days, notify the official of the charges against him and provide him no less than ten (10) days to respond to such charges in writing. The Tribal Council, no less than five (5) days after receipt of the accused official's reply to the charges, shall call an election on the recall petition in

the official's district or the reservation at large as appropriate. The election notice shall set forth the charges and the official's reply to them and shall be posted in the Tribal Office and in each district at least thirty (30) days before the election.

If the official is recalled from office in the election, the vacancy shall be filled under Sections 1 or 2 of this Article. An official shall not be subjected to more than one recall election during each term of office. Any official removed by recall shall not be appointed to tribal office for employment in a supervisory capacity or position of trust for the remainder of the term of office from which he was removed.

For all purposes herein, the tribal chairperson is considered a member of the tribal council.

SECTION 4. If the Chairman or a Councilmember is convicted of a felony during his term of office, he shall automatically forfeit his office.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, Aberdeen, South Dakota, on March 6, 1980, the attached Amendment C to be renumbered Amendment VIII, to the Constitution and Bylaws of the Crow Creek Sioux Tribe of South Dakota was submitted to the qualified voters of the Tribe and was on March 27, 1980, duly adopted by a vote of 382 for, and 67 against, in an election in which at least thirty (30) percent of the 628 members entitled to vote cast their ballot in accordance with Article X of the Tribe's Constitution and Bylaws.

Vera Hall
Chairman, Election Board

Velma Collins
Election Board Member

Margaret Loudan
Election Board Member

APPROVAL

I, Dennis L. Petersen, Acting Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Commissioner of Indian Affairs by Article X of the constitution and Bylaws of the Crow Creek Sioux Tribe, South Dakota, and redelegated to me by 10 BIAM 3.1, hereby approve the attached Amendment No. VIII which amends Article V of the Constitution and Bylaws of the Crow Creek Sioux Tribe to be effective on the date of this approval.

Dennis L. Petersen
Acting Area Director

Date: June 23, 1980

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT IX

Article III - THE GOVERNING BODY, of the Constitution is amended to read as follows:

SECTION 9. No person shall be a candidate for chairman unless he shall have resided on the reservation for one year immediately preceding the election, and be at least 18 years of age or older. No person shall be eligible for the position of Chairman who has satisfied the judgment of conviction for a felony in a federal, state or tribal court of competent jurisdiction within two (2) years preceding the date of election.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, Aberdeen, South Dakota, on March 6, 1980, the attached Amendment D to be renumbered Amendment IX, to the Constitution and Bylaws of the Crow Creek Sioux Tribe of South Dakota was submitted to the qualified voters of the Tribe and was on March 27, 1980, duly adopted by a vote of 382 for, and 75 against, in an election in which at least thirty (30) percent of the 628 members entitled to vote cast their ballot in accordance with Article X of the Tribe's Constitution and Bylaws.

Verna Hall
Chairman, Election Board

Velma Collins
Election Board Member

Margaret Loudner
Election Board Member

APPROVAL

I, Dennis L. Petersen, Acting Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Commissioner of Indian Affairs by Article X of the constitution and Bylaws of the Crow Creek Sioux Tribe, South Dakota, and redelegated to me by 10 BIAM 3.1, hereby approve the attached Amendment No. IX which amends Article III of the Constitution and Bylaws of the Crow Creek Sioux Tribe to be effective on the date of this approval.

Dennis L. Petersen
Acting Area Director

Date: June 23, 1980

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT X

Article V shall be amended as follows:

ARTICLE V - VACANCIES, REMOVAL AND RECALL

SECTION 1. If a Councilmember shall die, resign, permanently leave the reservation, absent himself without just cause from at least three consecutive regular or special meetings, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term. The vacancy may be filled at any regular meeting of the Tribal Council, provided the person appointed shall be a resident of the district in which the vacancy exists and meets all the requirements for a councilmember. If a councilmember moves out of the district he represents, he shall automatically forfeit his office.

SEC. 2. If the office of Chairman becomes vacant before the expiraton of the term and if less than one (1) year of the term remains, the Vice-Chairman shall fill the unexpired term unless the Tribal Council in its discretion orders a special election, or, if one year or more of the term remains, the Tribal Council shall order a special election to be held within thirty (30) days after the date of the vacancy.

SEC. 3. Procedures for the recall of a member of the Tribal Council may be initiated by the filing with the Tribal Council of a petition setting forth specific charges as enumerated in Section 5 against the official bearing the signatures of no less than 51% of the qualified voters voting in the last general election from the official's district or the reservation at large in the case of the Chairman or Vice-Chairman. Upon receipt of such petition the Tribal Council shall, within five (5) days, notify the official of the charges against him and provide him no less than ten (10) days to respond to such charges in writing. The Tribal Council, no less than five (5) days after receipt of the accused official's reply to the charges, shall conduct a hearing on the recall petition in the official's district or the reservation at large as appropriate. If the charges so warrant, the Tribal Council shall then give notice of election. The election notice shall set forth the charges and the official's reply to them and shall be posted in the tribal office and in each district at least thirty (30) days before the election.

If the official is recalled from office in the election, the vacancy shall be filled under Sections 1 or 2 of this Article. An official shall be not be subjected to more than one recall election during each term of office. Any official removed by recall shall not be appointed to tribal office for employment in a supervisory capacity or position of trust for the remainder of the term of office from which he was removed.

For all purposes herein, the Tribal Chairman and Vice-Chairman is considered a member of the Tribal Council.

SEC. 4. If the Chairman or a Councilmember is convicted of a felony during his term of office, he shall automatically forfeit his office.

SEC. 5. Code of Ethics for all elected or selected officials of the Crow Creek Sioux Tribe. Gross neglect and improper conduct of Article V - Vacancies, Removal and Recall from office shall be interpreted by the Tribal Council in accordance with these definitions.

A. GROSS NEGLECT - As evidenced through any or all of the following:

1. Gross incompetency: Unable or unwilling to perform the duties of the office.
2. Failure to assign through payroll deduction any debt owed to the tribe.
3. Choosing not to act on legitimate business such as petitions on a timely basis by tabling action; in effect the people are put down by such action.
4. Abandonment of Office: Not attending three consecutive regular meetings or moving out of the area of district elected from.

B. IMPROPER CONDUCT - Determined by Tribal Council.

1. Misuse of office: Unauthorized personal use of tribal equipment, manpower or materials.
2. Public conduct so as to question the integrity of the Crow Creek Sioux Tribe. Conduct such as public intoxication as observed by the public; or convictions by legal courts.
3. Converting tribal property or monies without authorization through omission of misrepresentation of facts.
4. Malfeasance of office: Including gross partiality or oppression.

C. IMPROPER CONDUCT - Convictions by Crow Creek Sioux Tribal Court.

1. If the Chairman or a councilmember is convicted of a felony during his term of office, he shall automatically forfeit his office.

2. Three misdemeanor convictions within a twenty-four (24) month period.

3. Crimes in office: Corruption, extortion, fraudulent claims for compensation such as salary, mileage and per diem during an unexcused absence or an unaccountable period of time.

4. Contempt of court.

5. Any misdemeanor, including but not limited to malicious mischief, statutory rape, hit and run, assault, battery or assault and battery.

6. Driving while under the influence of alcohol twice in a twenty-four (24) month period.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an Amendment Election requested by the Tribal Council, authorized by the Aberdeen Area Director November 6, 1985, the attached Amendment 8 was submitted to the adult members entitled to vote on January 8, 1986, was duly (~~adopted~~) (rejected) by a vote of 177 for, 189 against and 4 cast ballots found spoiled or mutilated in an election in which at least thirty (30) percent of the 650 members entitled to vote, cast their ballot in accordance with Article X of the Crow Creek Sioux Tribal Constitution.

[illegible]

Roxanne Wright

[illegible]

Bernice [illegible]

Date: January 8th 1986

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, do hereby approve the attached Amendment X to Article V, to the Constitution and Bylaws of the Crow Creek Sioux Tribe.

(Sgd) Jerry L. Jaeger
Area Director

Aberdeen Area Office
Aberdeen, South Dakota

Date: FEB 04 1986

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT XI

Article II Shall be amended as follows:

ARTICLE II - MEMBERSHIP

SECTION 1. All persons of Indian blood whose names appear on the official roll of the Crow Creek Reservation as of October 3, 1962, and all persons enrolled as members between that date and the effective date of this amendment shall be members of the tribe, provided, that the Tribal Council shall have the power to enroll any person who meets the qualification listed under Section 2.

SEC. 2 (a) Any child of one-fourth (1/4) or more Indian blood, born between October 3, 1962, and the effective date of this amendment to any member who resided on the reservation at the time of the child's birth shall be entitled to membership. (Amendment VI, June 23, 1980)

(b) Any child of one-half (1/2) or more Indian blood born to any member of this Tribe shall be entitled to membership regardless of his parents' residence.

(c) Any child of one-fourth (1/4) or more Sioux Indian blood born to any member of the tribe shall be entitled to membership by a majority vote of the Tribal Council.

(d) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on Membership, which shall pass upon them and present them to the Tribal Council for final action.

SEC. 3. Vested property rights shall not be acquired or lost through membership in this organization except as provided herein.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an Amendment Election requested by the Tribal Council, authorized by the Aberdeen Area Director November 6, 1985, the attached Amendment 1 was submitted to the adult members entitled to vote on January 8, 1986, was duly (adopted) (~~rejected~~) by a vote of 221 for, 147 against and 2 cast ballots found spoiled or mutiliated in an election in which at least thirty (30) percent of the 650 members entitled to vote, cast their ballot in accordance with Article X of the Crow Creek Sioux Tribal Constitution.

Leonard Grey Owl

Roxanne Wright

Jim Thompson

Dennice Gore

Date: January 5th 1986

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, do hereby approve the attached Amendment XI to Article II, to the Constitution and Bylaws of the Crow Creek Sioux Tribe.

(Sgd) Jerry L. Jaeger
Area Director

Aberdeen Area Office
Aberdeen, South Dakota

Date: FEB 04 1986